

REMARKS

I. Introduction and Overview

Claims 1-27 were presented for examination and were rejected. By this amendment, applicants have provided amended claims 1, 8, and 23 and added new claims 28-29. Reconsideration is respectfully requested.

While the claims should be evaluated based on what they say, a brief overview of the described embodiment may be useful for a better understanding. The interactive system relates to providing interactive content with an event, such as providing polls and trivia questions with a broadcast television program. It has been known for a long time that content can be provided within a broadcast signal, such as by using the vertical blanking interval (VBI), such as providing closed captioning. This is the subject matter, for example, of the Lappington patent referred to below and in the official action.

In embodiments that are described in this application, files can be sent to the client, and then the client's system is responsive to messages to access content that has previously been provided. In some embodiments, the content is broken into different groups, such as a set of content for the series of events, with separate content for individual events. For example, the system could provide, a single time, a user interface for a particular program that will be used every time content is provided for that program. Later, specific episode content can be provided separately and for each episode. This type of system is described in other co-pending applications of the same assignee, such as Application No. 09/804,815, filed March 13, 2001.

This application relates to the aspect of creating those content files, and also creating a server-based user interface. As indicated in Figure 4, the system can provide a convenient user interface for program layout, inserting segments, and changing attributes, such as fonts and colors. Figure 5 shows an example of a user interface in which one can look at a particular type of content, such as polls, see the particular polls that are scheduled to run, and look at the content within that data. Figure 6 shows a user interface and software referred to as the technical director, which preferably has icons that show the different polls and facts that will be provided during the program.

The tools that are provided allow a user to conveniently create different pieces of the interactivity, such as polls, trivia questions, and facts, and then organize these into the client files and into a separate user interface at the server side. While the system does allow for “live insertion” of content during a broadcast event, transmitting client files with content that is prepared in advance is inconsistent with a system that solely provides live insertion of content.

II Rejections Over Lappington

The examiner rejected claims 23-25 and 27 as being anticipated by Lappington. The examiner cites col. 9, line 54 – col. 10, line 40 as support for the statement that Lappington discloses an authorizing system for creating interactive content to be sent to remote viewers during an event, with the system responsive to user inputs for selecting among a plurality of different types of interactive functionality and for entering content for each of a number of items of interactive functionality and responsive to the types of interactive functionality and content for creating a user interface during representations of each item of content to be displayed during the event.

Lappington relates to an interactive television system that includes an authorizing system that allows content to be created. This content is reformatted and provided to a vertical blanking interval (VBI) card 20 that allows the content from the authoring system to be combined with the television signal to provide the content on a user’s hand held 32. The vertical blanking interval is a short period of time based on the time needed for a raster gun to reset its position in cathode ray tube (CRT) television. It had been known that information, such as closed captioning, could be transmitted during that time. Relatively small amounts of data are transmitted during the VBI, so in Lappington, the data is transmitted on an ongoing basis.

Claim 23 has been amended primarily to clarify that there is a user interface that has different types of functionality and an ability to enter content, such as shown in Figure 5. The user can select from among the different types of functionality and enter the content, and then the system further generates a user interface, such as that shown in Figure 6, that displays the various functionality that will be provided during the broadcast.

The sections of Lappington identified by the examiner indicate that Lappington allows a user to create a script of events that will be provided during the broadcast. Lappington appears

to have the ability to create a set of “transactions” and an ability to provide a live insertion, but does not appear to have the server-based user interface as claimed. In addition, with respect to new dependent claims 28 and 29, Lappington does not (and would not with a VBI approach) allow for content to be provided in advance such that messages are sent in order for the content to be displayed. Huang is directed primarily to providing polls and questions to large amounts of recipients, and to do so it creates interactive content in an authoring system. Huang does not, however, provide content to a user that is then responsive to further messages in order to display that content with the program, and also does not have the type of user interface described in the application.

III Rejections Over Huang et al.

Claims 1-4, 9, and 10 were rejected as being anticipated by a patent publication to Huang. The examiner cites paragraphs 9, 28, 29, 32, and 33 from Huang. Huang includes a system for “high-density interactive voting using a computer network.” More specifically, it allows voting, such as in polls, to be tabulated for large numbers of individuals. For example, a system could ask individuals during a television show who the viewers want to vote for, and Huang et al. assert that their system allows higher numbers of voters in shorter periods of time than typical prior systems. In this case, the voter would have an interface on the television for viewing the voting information, while the votes would be cast from a client computer through a network where the results would be tabulated and then could be displayed.

Huang is about providing live content – it does not provide content and then send messages to display the content.

Claim 1 has been amended primarily to make more explicit that the client files are provided to remote users and are responsive to messages from a server, and that the system also creates a server-based user interface for controlling the display of content on the remote clients during the event. In some embodiments, and as reflected in some of the dependent claims, this content can be provided in advance of the event or during the event for later broadcast during that same event.

Accordingly, Huang cannot anticipate claim 1 or any of the claims dependent on claim 1.

Claims 5-8, 11, 17, and 21-22 were rejected as being unpatentable over Huang in view of Lappington. The examiner agrees that Huang does not teach (1) a content creator used to create trivia questions, (ii) that the content creator has fields for designating times during an event when specific content will be displayed, (iii) a user interface with icons representing all the items of content to be displayed during at least a segment of the event providing content to clients before an event, or (iv) that content is provided to clients during an event for immediate display. The examiner contends, however, that in each case these features are disclosed via Lappington, and that it would have been obvious to combine Huang and Lappington in such a manner.

As indicated above, neither Huang nor Lappington has the feature of providing content files responsive to messages, or an authoring tool for providing such content files. Consequently, the combination does not include all the features and therefore the cited references do not render these claims unpatentable.

IV Conclusion

All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: March 17, 2005



Michael A. Diener
Registration No. 37,122
Attorney for Applicant

Wilmer Cutler, Pickering
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6454
Fax: (617) 526-5000